

## **REMARKS/ARGUMENTS**

Applicant has received and carefully reviewed the Final Office Action December 8, 2009. This paper is being filed along with a Request for Continued Examination. Claims 1-21 are pending and have been rejected. Applicant respectfully traverses all adverse assertions and rejections presented in the Final Office Action. With this amendment, claim 1 has been amended to clarify the relationship among certain claim elements. The claim amendments are supported by at least Figures 2, 3, 4, and 7, and page 2, lines 7-9 and page 6, lines 10-11 of the specification. Favorable consideration of the above amendments and the following remarks is respectfully requested.

### ***Claim Rejections – 35 USC § 102***

Claims 1-5 and 13-21 were rejected under 35 U.S.C. §102(e) as anticipated by Walak et al. (U.S. Patent No. 6,540,767). After careful review, Applicant must respectfully traverse this rejection, particularly in view of the current amendments.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)...“The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (MPEP 2131).

Without conceding the correctness of the rejection, Applicant has amended independent claim 1 to include additional limitations, in the interest of advancing prosecution. Walak et al. do not appear to disclose an anchoring member attached to a distal end of the elongate member, wherein a distal end of the elongate edged blade terminates proximally of the anchoring member, as required by the amended claim. The asserted elongate edged blade of Walak et al. appears to extend distally beyond the asserted anchoring member.

Accordingly, Walak et al. do not appear to disclose each and every element of independent claim 1 in as complete detail as is contained in the claim, and therefore cannot anticipate the claim. Since claims 2-5 and 13-21 depend from independent claim

1 and add additional elements thereto, Applicant submits that these claims are also not anticipated by Walak et al. Withdrawal of the rejection is respectfully requested.

***Claim Rejections – 35 USC § 103***

Claims 6-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Walak et al. After careful review, Applicant must respectfully traverse this rejection.

“All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). (MPEP 2143.03).

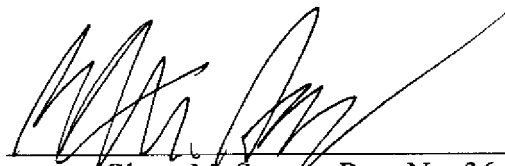
As discussed above, independent claim 1 is believed to be patentable over Walak et al. Since claims 6-12 depend therefrom and add additional elements thereto, Applicant submits that claims 6-12 are also patentable over Walak et al. and respectfully requests that the rejection be withdrawn.

***Conclusion***

In view of the foregoing, all pending claims are believed to be in condition for allowance. Further examination, reconsideration, and withdrawal of the rejections are respectfully requested. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Date: Feb. 05, 2010



Glenn M. Seager, Reg. No. 36,926  
CROMPTON, SEAGER & TUFTE, LLC  
1221 Nicollet Avenue, Suite 800  
Minneapolis, Minnesota 55403-2420  
[Glenn.Seager@cstlaw.com](mailto:Glenn.Seager@cstlaw.com)  
Tel: (612) 677-9050  
Fax: (612) 359-9349